

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:

**Larry Eugene Stogner
528 Louis Breeden Blvd.
Hamlet, NC 28345**

Case No. 17-11010
Chapter 13

SS# xxx-xx-0109

SS# _____

Debtor(s)

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on September 7, 2017.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the proof of claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

CHAPTER 13 PLAN SUMMARY

The Debtor proposes an initial plan, which is subject to modification, as follows:

I. Plan Payments

The plan proposes a payment of **\$5,500.00** per month for a period of **60** months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

II. Administrative Costs**1. Attorney fees.**

- ☒ The attorney for the Debtor will be paid the base fee of \$4,500.00. The Attorney has received \$ **500.00** from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.
- ☐ The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.

- 2. Trustee costs.** The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses

III. Priority Claims

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

1. Domestic Support Obligations ("DSO")

- a. ☒ None
- b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

- c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.
- d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

2. Other priority claims to be paid by Trustee

Creditor	Estimated Priority Claim
Anson County Tax Department	\$0.00
Brunswick County Tax Administration	\$962.26
City of Hamlet	\$2,239.55
Internal Revenue Service	\$24,679.00
North Carolina Dept. of Revenue	\$6,283.37
Richmond County Tax Dep.	\$11,111.09
Town of Wadesboro	\$0.00

IV. Secured Claims**1. Real Property Secured Claims**a. ☐ None

b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
Fidelity Bank	236 Ingrams Mill Rd. Ellerbe, NC 28338 Richmond County Currently listed for sale at \$360,000.00. Fidelity has an appraisal at \$500,000.00. The current Richmond County Tax Value is \$41,827.00.	NR	N	\$0.00	\$0.00	T
Fidelity Bank	921 E. Broad Ave. Rockingham, NC 28379 Richmond Tax Value: \$699,736.00 936 Circlewood Dr., Hamlet, NC 28345 Richmond County Tax Value: \$163,387.00	NR	N	\$2,869.80	\$0.00	T
Uwharrie Bank	308 E. Caswell St. Wadesboro, NC 28170 Anson County Anson County Tax Value	NR	Y	\$1,186.00	\$0.00	T
Wells Fargo Home Mortgage	3229 Mullet Creek Place Bolivia, NC 28422 Brunswick County Currently listed for sale at \$195,000.00. The current Brunswick County Tax Value is \$164,070.00.	NR	N	\$716.58	\$0.00	T

2. Personal Property Secured Claimsa. ☐ None

b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate
Southeast Toyota Finance	2015 Toyota Prius 295,000 miles 90% NADA Clean Retail Value \$15,322.50 Vin#: JTDZN3EU2FJ037284	\$15,322.50	Y	\$12,690.65	\$0.00	\$0.00	0%

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate
Volkswagen Credit	2015 Volkswagen Beetle 26,000 miles 90% NADA Clean Retail Value \$15,772.50 Vin #: 3VW517AT3FM820399	\$15,772.50	N	\$2,114.60	\$0.00	\$0.00	0%

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).

3. Collateral to be Released

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
Ford Motor Credit	2016 Ford F150 16,000 miles 90% NADA Clean Retail Value \$46,192.50 Vin#: 1FTEW1EG7GFB93240

4. Liens to be Avoided

The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
-NONE-	

V. Co-Debtor Claims

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
-NONE-			

VI. General Unsecured Claims Not Separately Classified

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 100 %.

VII. Executory Contracts/Leases

a. ☒ None

b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
-NONE-						

VIII. Special Provisions

- a. ☐ None
- b. Other classes of unsecured claims and treatment
- c. Other Special Terms

The Debtor proposes to sell the following Real Property:

- ? 236 Ingrams Mill Road, Ellerbe, NC 28338
- ? 921 E. Broad Avenue, Rockingham, NC 28379
- ? 308 E. Caswell Street, Wadesboro, NC 28170
- ? 3229 Mullet Creek Place, Bolivia, NC 28422
- ? 275 Ledbetter Street, Cordova, NC 28330
- ? 934 Circlewood Drive, Richmond, NC 28345

Authorization from the court will be needed in order to sell or auction off property. If the properties have not been sold by November 1, 2018, the Automatic stay will lift on that sale to release all secured properties and to allow lien holders to start the foreclosure proceedings.

To the extent there are any proceeds remaining after satisfaction of all liens against the properties and to which the Debtor is not entitled to on exemptions these proceeds must be paid to the Chapter 13 Trustee for the benefit of creditors.

Adequate Protection Payments

? **Fidelity Bank**

Collateral: 236 Ingrams Mill Road, Ellerbe, NC 28338

Payments: \$0.00

Interest: Contract

The 236 Ingrams Mill Road, Ellerbe, NC 28338 has a value of \$360,000.00 and a lien of \$271,169.28. As such Fidelity Bank is adequately protected based on the equity in the property.

? **Fidelity Bank**

Collateral: 921 E. Broad Avenue, Rockingham, NC 28379 and 936 Circlewood Drive, Richmond, NC 28345

Payment: \$2,869.80 per month

Interest: Contract

? **Uwharrie Bank**

Collateral: 308 E. Caswell Street, Wadesboro, NC 28170

Payment: \$716.58

Interest Rate: till

Date: **October 11, 2017**

/s/ Dirk W. Siegmund

Dirk W. Siegmund 20796

Attorney for the Debtor

Address: **100 S. Elm St, Ste. 500
Greensboro, NC 27401**

Telephone: **336-274-4658**

State Bar No. **20796**

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:)	
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Larry Eugene Stogner)	NOTICE TO CREDITORS
)	AND
)	PROPOSED PLAN
SS# <u>xxx-xx-0109</u>)	
SS# _____)	Case No. <u>17-11010</u>
Debtor(s))	

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

Reid Wilcox
Clerk of Court
U.S. Bankruptcy Court
Middle District of North Carolina
P.O. Box 26100
Greensboro, NC 27402

Anita Jo Kinlaw Troxler
Chapter 13 Trustee
Greensboro Division
Post Office Box 1720
Greensboro, NC 27402-1720

1st Choice Chiropractic, PLLC
528 Louis Breeden Blvd
Hamlet, NC 28345

A. Wayne Stogner
506 Stanley Ave.
Rockingham, NC 28379

AdvanceMed Corporation
520 Royal Parkway Suite 100
Nashville, TN 37214

American Express
PO Box 981535
El Paso, TX 79998-1537

Anson County Tax Department
101 S. Greene St.
Wadesboro, NC 28170

Attorney General of North Carolina
9001 Mail Service Center
Raleigh, NC 27699-9001

Attorney General of the United States
US Dept. of Justice
900 Pennsylvania Avenue NW
Washington, DC 20530

BB&T Item Processing Center
P.O. Box 580044
Charlotte, NC 28258

Brunswick County Tax Administration
PO Box 269
Bolivia, NC 28422

CAMS'

1612 Military Cutoff Road, Suite 108
Wilmington, NC 28403

Can Capital, Inc.
2015 Vaughn Road, Suite 500
Kennesaw, GA 30144

City of Hamlet
201 Main St.
Hamlet, NC 28345

Civitas Media
130 Harbour Place Drive, Suite 300
Davidson, NC 28036

Computer Zone
615 Long Drive
Rockingham, NC 28379

Cox & Hamilton
Certified Public Accountants, P.A.
P.O. Box 1117
Rockingham, NC 28380

Diana Coad
Rogers Townsend & Thomas, P.C.
3800 Arco Corporate Drive, Suite 250
Charlotte, NC 28273

E*Trade Securities, LLC
P.O. Box 484
Jersey City, NJ 07303

Employment Security Commission
2301 West Meadowview Road
Greensboro, NC 27407

Fidelity Bank
PO Box 1469
Fuquay Varina, NC 27526-1469

First Choice Medical
921 East Broad Avenue
Rockingham, NC 28379

First Choice Medical Group, P.C.
Cynthia W. McLermoe, Registered Agent
921 E. Broad Avenue
Rockingham, NC 28379-4338

Ford Motor Credit
One American Rd
Dearborn, MI 48126

Henry C. Stogner, III
7720 Hamlet Ave.
Arlington, TX 76017

Internal Revenue Service
Centralized Insolvency
PO Box 7346
Philadelphia, PA 19101-7346

Karen Stogner
528 Louis Breeden Blvd.
Hamlet, NC 28345

Labcorp
358 S. Main St.
Burlington, NC 27215

Marlin Leasing Corporation
300 Fellowship Rd.
Mount Laurel, NJ 0805

MedCenter Display
11408 Otter Ch St
Mabelvale, AR 72103

North Carolina Dept. of Revenue
P.O. Box 1168
Raleigh, NC 27602-1168

Optimum Outcomes
2651 Warrenville R 500
Downers Grove, IL 60515

Paragon Revenue Group
PO Box 127
Concord, NC 28026-0127

Parker Poe Attorneys & Counselors at Law
Attn: Joy M. Hord
401 South Tryon St., Suite 3000
Charlotte, NC 28202

PMAB, LLC
4135 South Stream Blvd., Suite 400
Charlotte, NC 28217

Richmond County Courthouse
Clerk of Court
105 West Frankin St.
Rockingham, NC 28379

Richmond County Tax Dep.
1401 Fayetteville Rd.
Rockingham, NC 28379

SCA Collections
PO Box 876
Greenville, NC 27835

Southeast Toyota Finance
P.O. Box 70832
Charlotte, NC 28272

Southeast Toyota Finance
Attn: Bankruptcy Dept.
P.O. Box 991817
Mobile, AL 36691

Spectrum Business
P.O. Box 77169
Charlotte, NC 28271-7169

Stern Recovery Services, Inc.
PO Box 14899
Greensboro, NC 27415-4899

Stogner Family Properties, LLC
506 Stanly Ave.
Rockingham, NC 28379

Stogner Management Inc.
528 Louis Breeden Blvd.
Hamlet, NC 28345

Swink Oil
203 W. Broad Ave.
Rockingham, NC 28379

Synchrony Bank/ Lowe's
Attn: Bankruptcy Department
PO Box 965060
Orlando, FL 32896-5060

The Express Newspaper
205 West Morgan Street
Wadesboro, NC 28170

Town of Wadesboro
P.O. Box 697
Wadesboro, NC 28170

Uwharrie Bank
P.O. Box 338
Albemarle, NC 28002

Volkswagen Credit
P.O. Box 5215
Carol Stream, IL 60197

W. Eric Medlin Esq.
Medlin Law Firm, PC Substitute Trustee
114 N. elm Street, Suite 500
Greensboro, NC 27401

Wells Fargo Home Mortgage
PO Box 10335
Des Moines, IA 50306

Date: October 11, 2017

/s/ Dirk W. Siegmund
Dirk W. Siegmund 20796